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OFFICE OF THE SECRETARY

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DAVID G. O'NEIL
ADMITTED IN D.C. ONLY

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January 19, 1993

OUR FILE NO.
0715-114-63

Ms. Donna R. Searcy
Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

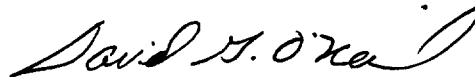
Re: MM Docket No. 92-282
Comments of Ruth
Communications Corporation

Dear Ms. Searcy:

Ruth Communications Corporation hereby submits an original and four copies of its Comments in the above-captioned proceeding.

Please contact the undersigned directly if there are any questions concerning this matter.

Sincerely yours,



David G. O'Neil

DGO:do
Enclosures (5)

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JAN 19 1993

Before The
Federal Communications Commission
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In The Matter Of

Amendment of Section 73.202(b)
Table of Allotments
FM Broadcast Stations
(Marco, Florida)

MM Docket No. 92-282
RM-8080

TO: Chief, Allocations Branch

**Comments of Ruth Communications
Corporation**

Ruth Communications Corporation ("Ruth"), permittee of FM Radio Broadcast Station WRWX, Sanibel, Florida, pursuant to Section 1.415(a) & (b) of the Commission's Rules, hereby file its comments in the above-captioned proceeding to amend the FM Table of Allotments, 47 C.F.R. ¶ 73.202(b).¹ The University of South Florida ("Florida") requests the allotment of Channel 255A and its reservation for noncommercial use. Although Ruth has no objection to the allotment of Channel 255A to Marco, Ruth requests that the Commission take into consideration a pending rule making proceeding to change the community of license for WRWX from Sanibel to San Carlos Park, Florida in selecting the reference coordinates for Marco. Notice of Proposed Rule Making (Sanibel and San Carlos Park, Florida, 7 FCC Rcd 850 (1992) (Chief, Allocations Branch) ("San Carlos Park"). In support thereof, the following is hereby shown:

¹ The *Notice of Proposed Rule Making* authorizes the filing of comments on or before January 21, 1993. Thus, these comments are timely filed.

1. On October 22, 1991, Ruth filed a petition for rule making to: (1) amend Section 73.202(b) of the Commission's Rules to simultaneously allot Channel 253A to San Carlos Park, Florida and delete Channel 253A at Sanibel, Florida; and (2) modify the construction permit of WRWX(FM) accordingly to operate on Channel 253A at San Carlos Park. Ruth filed the petition because concerns of federal, state, and local authorities rendered it impossible for Ruth to operate WRWX(FM) at Sanibel. Changing the community of license to San Carlos Park and modifying the license of WRWX(FM) accordingly would permit Ruth to provide first local service to San Carlos Park in lieu of no service to Sanibel. The Commission agreed with Ruth, and on January 28, 1992, issued the aforementioned *Notice of Proposed Rule Making* to change the community of license for WRWX to San Carlos Park.

2. On August 18, 1992, Florida filed a petition for rule making to allot Channel 255A to Marco, Florida. Because Florida filed its petition for rule making after the deadline for filing comments in the *San Carlos Park* proceeding, its petition is not entitled to consideration in the *San Carlos Park* proceeding.² Accordingly, the Commission should take no action in the Marco proceeding which would prejudice action in the *San Carlos Park* proceeding.

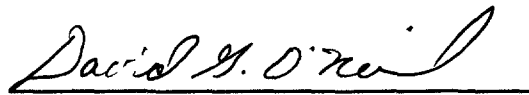
3. Ruth requests that the Commission take official notice of the pending *Notice of Proposed Rule Making* in the *San Carlos Park, Florida* proceeding. Ruth believes that allotting Channel 255A to Marco should not be mutually exclusive with the *San Carlos Park* proceeding. It is conceivable that a site restriction may be necessary, however, for

² The deadline for filing Comments in the *San Carlos Park* proceeding was March 20, 1992.

operation of Channel 255A at Marco in order to accommodate both Ruth's and Florida's proposed channel substitutions. In that event, Ruth respectfully requests that the Commission place the appropriate site restriction on the Marco allotment.

Respectfully submitted,

RUTH COMMUNICATIONS CORPORATION

A handwritten signature in cursive script, reading "David G. O'Neil", is written over a horizontal line.

Theodore D. Kramer
David G. O'Neil

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ITS ATTORNEYS

January 19, 1993

CERTIFICATE OF SERVICE

The undersigned, an employee of Haley, Bader & Potts, hereby certifies that the foregoing document was mailed this date by First Class U.S. Mail, postage prepaid, or was hand-delivered*, to the following:

***Michael C. Ruger, Chief
Allocations Branch, Policy and Rules Division
Federal Communications Commission
2025 M Street, N.W.
Room 8318
Washington, D.C. 20554**

***Nancy J. Walls
Mass Media Bureau
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2025 M Street, N.W.
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Counsel for The University of South Florida**



Jennifer Britt-Young

January 19, 1993